



PLANNING COMMISSION AGENDA

Wednesday, January 25, 2006

6:30 p.m. Regular Meeting
Council Chambers, City Hall

200 East Santa Clara Street
San Jose, California

Bob Dhillon, Chair
Xavier Campos, Vice-Chair

Bob Levy Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, January 25, 2006**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

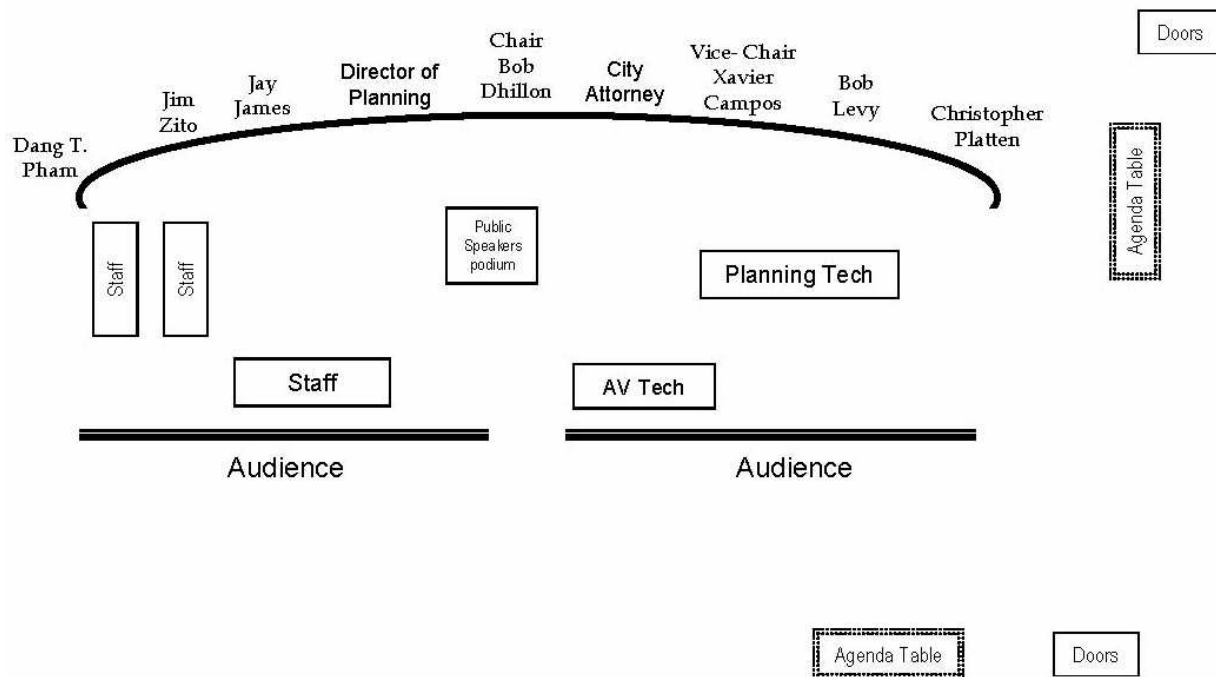
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **PDC05-002**. Planned Development Rezoning request from the R-M Multiple Residence District to the A (PD) Planned Development Zoning District to allow the demolition of an existing single-family residence and the construction of three single-family detached residential units on a 0.33 gross acre site, located on the southwesterly corner of State and Essex Streets (1391 STATE ST) (Martina Victor J, Owner). Council District 4. SNI: None. CEQA: Exempt. Deferred from 01-11-06.

DROPPED, TO BE RENOTICED

- b. **PDC05-060**. Prezoning from Unincorporated County to A(PD) Planned Development Zoning District to allow up to 199 single-family attached residential units and two existing single-family detached residences on a 10.5 gross acre site, located on the southwest corner of Capitol Avenue and Mabury Road (781 N CAPITOL AV) (Messina Richard V, Messina Richard V Trustee & Et Al, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

DEFER TO 2-22-06

- c. **CP05-034**. Conditional Use Permit to replace an existing approximately 107,500 square foot commercial building with a new approximately 114,700 square foot commercial building and 34,768 square foot outdoor garden center on a 12.85 gross acre site in the CN Neighborhood Commercial Zoning District, located on northeast corner of Story Road and McGinness Avenue (HOME DEPOT) (2855 STORY RD) (Home Depot U.S.A. Inc., Owner/Developer). Council District 5. SNI: East Valley/680 Communities. CEQA: Mitigated Negative Declaration.

DEFER TO FIRST MEETING IN FEBRUARY

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [CP05-002](#). Conditional Use Permit to replace an existing 1,100 square-foot building with a new 1,920 square-foot building for child daycare uses a 0.59 gross acre site in the R-M Multiple Residence Zoning District, located at the east side of North 7th Street approximately 250 feet north of East Santa Clara Street (Alexander House Smart Start Infant Center) (33 N 8TH ST) (San Jose Day Nursery, John Carson, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to replace an existing 1,100 square-foot building with a new 1,920 square-foot building for child daycare uses as recommended by Staff.

- b. [CP05-055](#). Conditional Use Permit request to allow the continued operation of a hazardous waste treatment, storage and transfer facility on a 2.9 gross acre site in the HI Heavy Industrial Zoning District, located on the west side of Berryessa Road, approximately 350 feet southwesterly of Commercial Street (1021 Berryessa Road) (Clean Harbors San Jose Llc, Owner). Council District 4. SNI: None. CEQA: Reuse of EIR entitled “Solvent Services, Incorporated.”

Staff Recommendation:

Approve a Conditional Use Permit request to allow the continued operation of a hazardous waste treatment, storage and transfer facility as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [PDC05-026](#). Planned Development Rezoning from R-M Multiple Family Residence District to A(PD) Planned Development Zoning District to allow the demolition of an existing single-family detached residence and construction of up to 4 single-family detached residences on a 0.37 gross acre site, located on the north side of Villa Avenue, 150 feet easterly of Myrtle Street (969 VILLA AV) (Helweh Sahel Et Al, Owner; LG Developers, LP, Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from R-M Multiple Family Residence District to A(PD) Planned Development Zoning District to allow the demolition of an existing

single-family detached residence and construction of up to 4 single-family detached residences as recommended by Staff.

- b. [PDC04-095](#). Planned Development Rezoning from County to A(PD) Planned Development Zoning District to allow up to 7 single-family detached or attached residences on a 0.42 gross acre site, located on the west side of South Willard Avenue approximately 180 feet southerly of Douglas Street (435 S. WILLARD AV) (McVay Steven and Nancy, Sale Parts I LTD, Owner/Developer). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from County to A(PD) Planned Development Zoning District to allow up to 7 single-family detached or attached residences as recommended by Staff.

- c. [PDC05-093](#). Planned Development Rezoning from R-1-8 Residence District to the A(PD) Planned Development Residential District to allow 6 single-family detached residences on a 0.74 gross acre site, located on the southeast corner of New Jersey Avenue and Harris Avenue (2412 NEW JERSEY AV) (Zaknich Anthony J Trustee & Et Al, Owner; The Cullen Group, Developer). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from R-1-8 Residence District to the A(PD) Planned Development Residential District to allow 6 single-family detached residences as recommended by Staff.

- d. [H05-028 & V05-006](#). APPEAL of the Planning Director's decision to deny a Site Development Permit and Development Variance to legalize an existing 2,481 square foot two-story addition for office and warehouse uses with a reduced side setback, and additional site improvements on a 0.18 gross acre site, in the LI Light Industrial Zoning District, located at/on the south side of East San Fernando Street, approximately 200 feet easterly of 26th Street. Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt.

Staff Recommendation:

Uphold the Planning Director's decision to deny a Site Development Permit and Development Variance to legalize an existing 2,481 square foot two-story addition for office and warehouse uses with a reduced side setback, and additional site improvements as recommended by Staff.

- e. The projects being considered are located on west side of Morrill Avenue, 550 feet southerly of Landess Avenue (TARGET) (2155 MORRILL AV) in the CG-General Commercial Zoning District (Cheng Betty L Trustee, Owner). Council District 4. SNI: None. CEQA: Exempt. Deferred from 12-07-05.

1. [CP05-033](#). Conditional Use Permit request to allow off-sale of alcoholic beverages at an existing retail commercial building on a 9.02 gross acre site.

Staff Recommendation:

Approve a Conditional Use Permit request to allow off-sale of alcoholic beverages at an existing retail commercial building as recommended by Staff.

2. [ABC05-003](#). Liquor License Exception permit to allow off-sale of alcoholic beverages at an existing retail commercial building on a 9.02 gross acre site.

Staff Recommendation:

Approve a Liquor License Exception permit to allow off-sale of alcoholic beverages at an existing retail commercial building as recommended by Staff.

- f. [PDC05-039](#). (CITY COUNCIL INITIATED) Planned Development Rezoning from CN Commercial Neighborhood, HI Heavy Industrial, R-MH Mobile Home Park Zoning Districts to CP(PD) Planned Development and OS Open Space Zoning Districts to allow commercial, residential, civic and open space uses on a 36.74 gross acre site, bounded by Steamboat Slough and Elizabeth Street to the north, the Guadalupe River to the south, Liberty Street and North First Street to the east, and El Dorado Street/Southern Pacific Rail Corridor to the west (Multiple Property Owners). Council District 4. SNI: None. CEQA: Alviso Master Plan EIR Resolution No. 68577.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from CN Commercial Neighborhood, HI Heavy Industrial, R-MH Mobile Home Park Zoning Districts to CP(PD) Planned Development and OS Open Space Zoning Districts to allow commercial, residential, civic and open space uses as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. **REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

7. **GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (James).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Levy)
- c. [Review of synopsis](#)
- d. Changes to Planning Commission Meeting Schedule
 - 1. Cancellation of February 8, 2006 Meeting
 - 2. Planning Commission to vote on new meeting date for February

8. **ADJOURNMENT**

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	6:30 p.m.	Regular Meeting	Council Chambers
April 12	6:30 p.m.	Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	4:30 p.m.	<i>Study Session</i>	TBA
		Review CIP	
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	6:30 p.m.	Regular Meeting	Council Chambers
June 5	6:30 p.m.	Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers